IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

UNIVERSITAS EDUCATION, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-13-523-M
	)	
NOVA GROUP, INC.,	)	
	)	
Defendant.	)	

ORDER

Before the Court is the Motion to Quash Subpoena Duces Tecum Issued to H. Thomas Moran, Moran/ASG Holdings LLC and Asset Servicing Group, LLC ("Motion to Quash"), filed May 22, 2013. The Motion to Quash asserts, *inter alia*, that the policies and insurance contracts at issue are not related to the underlying litigation.

Pursuant to Federal Rule of Civil Procedure 45(c)(3)(A), an issuing court of a subpoena must quash or modify a subpoena under certain circumstances. However, the Tenth Circuit has also clarified that it is proper for an issuing court to transfer a motion to quash to the district where the underlying case is pending. *See Peterson v. Douglas Cnty. Bank & Trust Co.*, 940 F.2d 1389, 1390 (10th Cir. 1991); *see also* Wright and Miller, Federal Practice and Procedure § 2463.1 ("[I]t also is within the discretion of the district court that issued the subpoena to transfer motions involving the subpoena to the district in which the action is pending.").

Having carefully reviewed the Motion to Quash, the Court finds that it is proper to transfer the motion to quash to the district where the underlying case is pending. Specifically, the Court finds that said district is better situated to determine whether the policies and insurance contract at issue are related to the underlying litigation.

Accordingly, the Court TRANSFERS the Motion to Quash [docket no. 1] to the United States District Court for the Southern District of New York.

IT IS SO ORDERED this 3rd day of June, 2013.

VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE